

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

WILFREDO ROSARIO

Plaintiff,

-v.-

Civil Action No.
9:12-cv-1506 (GLS/CFH)

CAPTAIN ANSON, Summit Shock
Incarceration Facility, JOHN DOE #1,
Facility Nurse, Summit Shock
Incarceration Facility

Defendants.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

WILFREDO ROSARIO
Pro Se
10947 Savannah Wood Court
Orlando, Florida 32832

FOR THE DEFENDANT:

HON. ERIC T. SCHNEIDERMAN
Attorney General for the
State of New York
The Capitol
Albany, New York 12224

COLLEEN D. GALLIGAN, ESQ.

GARY L. SHARPE,
CHIEF JUDGE

ORDER

The above-captioned matter comes to this court following a Report-

Recommendation by Magistrate Judge Christian F. Hummel, duly filed August 14, 2014. Following fourteen days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

ORDERED that the Report-Recommendation of Magistrate Judge Christian F. Hummel filed August 14, 2014 (Dkt. No. 50) is ACCEPTED in its entirety for the reasons stated therein; and it is further

ORDERED that defendants' motion to dismiss (Dkt. No. 47) is DENIED; and it is further

ORDERED that the Clerk provide a copy of this Order upon the parties in accordance with the court's local rules.

IT IS SO ORDERED.

Dated: September 8, 2014
Albany, New York


Gary L. Sharpe
Chief Judge
U.S. District Court